

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SHARON L. MULLINS,
DAVID KRAMER,
and WILLIAM HESS,

Plaintiffs

v.

RAYMOND A. SMITH,

Defendant.

NO. 3:01-CV-0234

(JUDGE CAPUTO)

ORDER

NOW, this 16th day of November, 2005, the Court's November 15th, 2005 Order is VACATED and this Order is entered in its place. Upon review of Magistrate Judge Malachy E. Mannion's Report and Recommendation (Doc.70) for clear error or manifest injustice, IT IS HEREBY ORDERED that:

- (1) The Report and Recommendation (Doc. 70) is **REJECTED**.
- (2) The case is **REMANDED** to Magistrate Judge Mannion for consideration of Defendant's motion for summary judgment (Doc. 56) consistent with this opinion.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge